

LOCAL BANKRUPTCY RULES  
OF THE  
UNITED STATES BANKRUPTCY COURT  
FOR THE  
DISTRICT OF MARYLAND



Effective ~~January~~<sup>May</sup> 1, ~~2004~~<sup>2007</sup>

PART I

**RULE 1002-1      PETITION - GENERAL**

(a) The petition will be dismissed without a hearing if:

(1) the petition is not signed by the debtor(s);

(2) the party filing the petition neither pays the prescribed filing fee with the petition nor files with the petition an application to pay the required fee in installments, *nor files an application requesting waiver of the filing fee* if eligible to do so;

(3) the debtor does not file the master mailing matrix with the petition;

(4) a Chapter 11 debtor does not file the list of twenty (20) largest unsecured creditors with the petition;

(5) the petition is submitted by a debtor who is not an individual and is not represented by an attorney who is a member of the bar of the District Court; ~~or~~

(6) the petition is submitted by a person who, under either 11 U.S.C. § 109(g) or an order of court, may not be a debtor at the time of the submission of the petition; ~~;~~

(7) a voluntary petition is filed without the debtor's social security number being provided; ~~;~~ *or*

*(8) In cases for individuals, the Credit Counseling Statement or request for waiver pursuant to 11 U.S.C. §109(h)(4) is not filed and debtor has not checked the block*

*on Exhibit D to the petition stating that debtor received approved budget and credit counseling during the 180-day period preceding the filing of the petition.*

(b) Other Deficient Petitions and Papers - Notice of Deficient Filing. The Clerk can issue a notice:

(1) specifying deficiencies - except those described in subsection (a) - in the petition, schedules, and associated papers; and

(2) stating that the petition, schedule or associated papers may be stricken or the case dismissed if the deficiencies are not corrected within ~~ten~~*fifteen* (10~~5~~) days after the date of issuance of the deficiency notice.

#### **RULE 1004-1 VOLUNTARY PETITION - PARTNERSHIP**

A person filing a bankruptcy case for a partnership must file a certificate that the filing is authorized under the *entity's* partnership *or operating* agreement and applicable law.

#### **RULE 1006-1 FILING FEES - INSTALLMENT PAYMENTS**

(a) Tender of Payment. The filing fee may be paid in cash or by cashier's check, certified check or negotiable money order made payable to "Clerk, United States Bankruptcy Court." Only counsel may pay filing fees by credit card. Payment by counsel's check will be accepted only if the check is drawn on the account of the attorney for the debtor or on the account of a law firm of

which the attorney for the debtor is a member, partner, associate or of counsel. The Clerk shall maintain a list of attorneys and law firms whose checks have been dishonored and may refuse to accept the checks of such attorneys or firms.

(b) Payment of Fees in Installments. The Clerk may approve for the court an application by an individual to pay the filing and administrative fees in installments that proposes a payment plan with minimum payments in accordance with the following schedule:

	At Filing	Within 30 Days After Filing	Within 60 Days After Filing	Within 90 Days After Filing
Chapter 7	25%	25%	25%	25%
Chapter 11	50%	50%	--	--
Chapter 12	25%	25%	25%	25%
Chapter 13	25%	25%	25%	25%

#### **RULE 1007-1      MAILING LIST OR MATRIX**

(a) Matrix Contents. A debtor must file with the voluntary petition a master mailing matrix containing the names and addresses of the debtor and all creditors. In a case under Chapter 11, the debtor must include in the matrix the taxing authority for each county in which the debtor holds an interest in real estate.

(b) Matrix Form. The master mailing matrix must be submitted in the form required by the Clerk.

(c) Supplemental Matrix. The debtor must file a supplemental

mailing matrix with any schedule or amended schedule that contains a change in address or an entity entitled to notice or adds the names of an entity not listed on the original matrix. If a scheduled creditor was omitted from, or incorrectly listed on, the mailing matrix, the debtor must file a supplemental mailing matrix that corrects the error promptly after it is discovered. The supplemental matrix must conform to the form required by the Clerk.

(d) Verification. The master mailing matrix and any supplemental matrix must be dated and verified. The verification must state that to the best of the affiant's knowledge, information and belief, the matrices are accurate and complete.

#### **RULE 1007-2      VERIFICATION OF AUTHORITY TO FILE - CORPORATIONS**

A certified copy of the resolution authorizing the filing of the bankruptcy petition must be filed with a corporate debtor's voluntary petition. The resolution must show approval by the corporate body empowered by applicable law to authorize filing a bankruptcy petition.

#### **RULE 1007-3      NOTICE TO CREDITORS OMITTED FROM OR INCORRECTLY LISTED ON MASTER MAILING MATRIX**

If a debtor files schedules or a supplemental mailing matrix after filing the petition, and if the debtor's schedules or a supplemental mailing matrix include one or more creditors that were not included, or were listed incorrectly, on the debtor's master-

mailing matrix filed with the petition, a debtor must comply with the following procedures:

(a) Notice to Creditors. The debtor must send to each creditor that is added or whose address is corrected:

(1) a copy of the original Notice for Meeting of Creditors, and

(2) a copy of each order that establishes or extends a bar date for claims or for complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor.

(b) Certificate of Compliance. With the schedules and supplemental mailing matrix, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental mailing matrix that lists only the names and correct mailing addresses of each newly scheduled creditor.

#### ***RULE 1007-4      PAYMENT ADVICES***

*Copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor, (1) shall not be filed with the court unless otherwise ordered, and (2) shall be provided to the local Office of the United States Trustee, and any creditor who timely requests copies of the payment advices or other evidence of payment, at least seven days before the date of the meeting of creditors conducted pursuant to 11 U.S.C. §341. To*

be considered timely, a creditor's request must be received by the debtor at least 15 days before the first date set for the meeting of creditors.

If the debtor cannot provide copies of the required payment advices, debtor is required to file a Statement Under Perjury in the form set forth in Local Bankruptcy Form Q. Upon the filing of a notice that the debtor has not provided a copy of all pay advices or other evidence of payment, or a Statement Under Perjury, as required herein above, an order of dismissal may be entered after fifteen (15) days' notice to the debtor, counsel to the debtor, and the United States Trustee and an opportunity for a hearing.

#### **RULE 1007-5      COMPLIANCE WITH FILING REQUIREMENTS**

The Clerk will docket a Certificate of Compliance for each case meeting all filing requirements under 11 U.S.C. §521(a)(1), except payment advices under Section 521(a)(1)(B)(iv), or a Certificate of Non-compliance, as appropriate.

#### **RULES 1009-1      AMENDMENTS TO LISTS AND SCHEDULES**

When filing amended schedules that add previously unscheduled creditors, a debtor must comply with the following procedures:

(a) Notice to United States Trustee. The debtor must send a copy of the amended schedules to the Office of the United States Trustee and to any trustee appointed in the case.

(b) Notice to Creditors. The debtor must send to each creditor added or whose status is changed by ~~the~~<sup>an</sup> amended schedule:

- (1) a copy of the amended schedule;
- (2) a copy of the original Notice for Meeting of Creditors; and
- (3) a copy of each order that establishes or extends a bar date for *filing proofs of* claims ~~or for~~<sup>or</sup> complaints to determine the dischargeability of certain debts or to object to the discharge of the debtor.

(c) Certificate of Compliance. With the amended schedule, the debtor must file a certificate of compliance with this Rule, together with a dated and clearly titled supplemental mailing matrix that lists only the names and correct mailing addresses of all newly scheduled creditors.

#### **RULE 1015-1      JOINT ADMINISTRATION/CONSOLIDATION**

The estates of spouses filing a joint petition will be deemed consolidated under § 302(b) of the Bankruptcy Code unless otherwise ordered on the motion of a party in interest made within thirty (30) days after conclusion of the meeting of creditors held under § 341 of the Bankruptcy Code.



RULE 1017-1      DISMISSAL      *OF CASE*      ~~OR SUSPENSION OF CASE OR~~  
PROCEEDING

~~The court may dismiss any case on its own motion for failure of the debtor to file timely a required document, such as the Statement of Financial Affairs, a Schedule, the Statement of Intention under Bankruptcy Code § 521, a matrix or a Chapter 13 Plan, or for failure to pay an installment of the filing fee. The~~

*Upon the filing of a notice that the debtor has not provided a copy of the Federal income tax return to the trustee pursuant to Sec. 521(e)(2)(A) of Title 11 U.S.C., an order of* dismissal may be entered after ~~ten~~*fifteen* (10~~5~~) days' notice to the debtor, counsel to the debtor, and the United States Trustee and an opportunity for hearing.

## PART II

### **RULE 2002-1 NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

(a) Noticing Period. A debtor, creditor, official committee, and any other party in interest sending a notice of proposed action to other parties in interest must give recipients no less than twenty (20) days from the date of completion of service to file an objection to the action described in the notice, unless the Federal Bankruptcy Rules specifically require a different time or unless otherwise ordered by the court or these Rules.

(b) Content. In addition to the information required by specific notices, notices must contain sufficient information to enable a party in interest to make a reasonably well-informed decision whether to object to the action proposed in the notice. The notice must state: (1) the date by when objections must be filed; (2) the person upon whom objections must be served; (3) that the proposed action may be authorized without further order or notice if no timely objection is filed; (4) that the court, in its discretion, may conduct a hearing or determine the matter without a hearing regardless of whether an objection is filed; (5) that an objection must state the facts and legal grounds on which the objection is based; and (6) the name of the party giving notice or its attorney, together with the address ~~and the~~, telephone number *and email address* of the party to be contacted if parties in interest have questions regarding the subject of the notice. A

notice may not state that an objecting party must attend a court hearing in support of any objection made.

(c) Certificate of Service. A party must file a certificate of service of a notice given under these Rules or the Federal Bankruptcy Rules within five (5) days after completion of service.

(d) Content of Objections. An objecting party must state the authority for the objection either in its filed objection or in an accompanying memorandum of fact and law. An objecting party must certify that copies of the objection and of any supporting memorandum have been sent to the opposing party or parties and their counsel.

(e) Sales Notices.

See Local Bankruptcy Rule 6004-1.

(f) Technical Requirements for Notices. A party sending a notice must show the date of completion of service conspicuously on the face of the notice.

(g) Limitation of Notice - Chapter 7. ~~Notices to creditors in cases under Chapter 7~~ A party required ~~by~~to give notice pursuant to Federal Bankruptcy Rule 2002(a) may ~~be limited~~limit notice as provided under Federal Bankruptcy Rule 2002(h) to (1) creditors that hold claims for which proofs of claim have been filed and (2) such other creditors who may file timely claims.

(h) Limitation of Notice - Chapter 11. In Chapter 11 cases, where official committees are appointed and the number of creditors exceeds thirty (30), notices of the actions described below can be limited to the debtor, the United States Trustee, the members of all official committees or committee counsel, if appointed, and to those creditors and equity security holders who file and serve on counsel for the debtor a written request for notices of:

(1) the proposed use, sale or lease of property of the estate other than in the ordinary course of business;

(2) the hearing on the approval of a compromise or settlement of a controversy -- other than the approval of an agreement pursuant to Federal Bankruptcy Rule 4001(d);

(3) a hearing on an application for compensation or reimbursement of expenses; and

(4) such other notices as the court orders.

(i) Voluntary Dismissal - Chapter 7 and 11. Notices of a motion by debtor to dismiss a voluntary case under Chapter 7 or 11 must be sent to all parties in interest.

(j) Continued Meetings and Hearings. If a hearing or meeting of creditors is continued or rescheduled at the request of a party, or for reason of the failure of a party to appear or comply with applicable law or rules, that party must send notice of the continued or rescheduled hearing or meeting by the fastest means to

avoid inconvenience to other parties entitled to notice. The party must file a certificate of service of that notice.

**RULE 2004-1      EXAMINATIONS UNDER FEDERAL BANKRUPTCY RULE 2004**

(a) Production Request Limits. A party in interest may not request or compel an entity being examined under Federal Bankruptcy Rule 2004 to respond to more than thirty (30) requests for production.

(b) Smoking During Examinations Prohibited. No one can smoke in a room where an examination is being conducted, unless all persons agree.

(c) Examination and Production to Proceed Despite Existence of Disputes. An examination or production dispute as to one matter does not justify delay in taking an examination or responding to other examination or production requests, unless otherwise ordered by the court.

(d) Examination Guidelines. The court's Discovery Guidelines set forth in Appendix C govern scheduling and the conduct of examinations and requests for production, unless they are not applicable in context.

(e) Conference of Counsel Required. Counsel must confer concerning an examination or production dispute and make good faith attempts to resolve an examination or production dispute. The court

will not consider a motion to compel or for sanctions unless the moving party has filed a certificate stating:

(1) the date, time, and place of a dispute resolution conference; the names of all persons participating; and any unresolved issues remaining; or

(2) the moving party's attempts to hold such a conference without success.

(f) Copying Expenses. A party in interest requesting copies of documents that were produced for inspection under Federal Bankruptcy Rule 2004 must pay the actual, reasonable costs of copying.

#### **RULE 2015-1      COMPENSATION BY DEBTOR IN CHAPTER 11**

(a) The rate of compensation paid by *the* debtor in possession to its officers, directors, *members* or partners shall not exceed the rate of compensation paid to those persons ninety (90) days prior to the filing of the petition, unless otherwise ordered by the court.

(b) The debtor shall file a statement containing the following information within twenty (20) days after filing a petition in a Chapter 11 case:

(1) a statement specifying the duties and positions of the following (*to the extent compensated*):

- (A) the debtor, if an individual;
- (B) the ~~members~~partners of the partnership;
- (C) the officers and directors of the  
-corporation, and any other insiders~~+~~ *(as defined by 11  
U.S.C. §101); and*
- (D) the members of the limited liability company.*

(2) the rate of compensation paid to each *person  
identified in Local Rules 2015-1(b)(1)* ninety (90) days  
prior to and at the time of the filing of the petition; and,

(3) the rate of compensation of each as of the time the  
statement is filed.

#### **RULE 2016-1      COMPENSATION OF PROFESSIONALS**

(a) Applications for Compensation by Professionals. Unless  
the court orders otherwise, all professionals seeking compensation  
pursuant to Bankruptcy Code §§ 327, 328, 330, and 331, including  
attorneys, accountants, examiners, investment bankers, *financial  
advisors* and real estate advisors, must prepare and submit their  
applications for compensation in accordance with the Guidelines  
attached as  
Appendix D to these Rules.

(b) Disclosure of Compensation. ~~The~~An attorney ~~for~~  
~~the~~*representing a debtor in a case or in connection with a case*  
must file a Federal Bankruptcy Rule 2016(b) disclosure statement

with the petition. If ~~the debtor's attorney's appearance is entered~~*an attorney commences representation of the debtor in a case or in connection with a case* after the filing of the petition, ~~the~~*such* attorney must file the Federal Bankruptcy Rule 2016(b) disclosure statement at the time ~~of entry of appearance~~*representation is commenced*.

#### **RULE 2070-1 ADMINISTRATIVE EXPENSES**

Motions for the allowance or payment of administrative expenses must be served upon the *debtor*, trustee, *members of* any committee elected under § 705 or appointed under § 1102 of the Bankruptcy Code or its ~~authorized agent~~*counsel*, or in a Chapter 11 case, if no committee of unsecured creditors has been appointed, to those creditors on the list filed pursuant to Federal Bankruptcy Rule 1007(d), the United States Trustee, and to those parties in interest who have filed written requests for notice.

#### **RULE 2072-1 NOTICE TO OTHER COURTS WITH PENDING ACTIONS**

The debtor or other party filing a bankruptcy case must promptly send notice conforming to Local Bankruptcy Form A of the bankruptcy filing to the following persons:

(a) the clerk of any court where the debtor is a party to a pending civil action and all parties of record; and

(b) any judge specially assigned to a pending civil action in



which the debtor is a party.

**RULE 2081-1      CHAPTER 11 - SCHEDULED CLAIMS**

The debtor in a Chapter 11 case must serve on each creditor whose claim is listed on a schedule as disputed, contingent, or unliquidated, notice of that listing within fifteen (15) days after filing the schedule or within fifteen (15) days after adding a disputed creditor to a previously filed schedule. The notice must state that such creditor has the right to file a proof of claim and the failure to do so timely may prevent the creditor from voting on a plan or participating in any distribution. The debtor must file a certificate of service of the notice within five (5) days of service.

~~**RULE 2081-2      CHAPTER 11 ACCELERATED CASES - CHAPTER 11(a)**~~

~~(a) Designation of Chapter 11(a) Cases. In a case other than one commenced as a small business case or a single-asset real estate case, the court, with or without motion or notice, for cause appearing, may designate a Chapter 11 case for accelerated treatment. A Chapter 11 case designated for accelerated treatment is referred to in these Rules as a "Chapter 11(a) case."~~

~~(b) Reconsideration. A party in interest can, at any time,~~

~~request that the court reconsider a Chapter 11(a) designation;  
and the court, for cause appearing, can at any time, with or  
without motion or notice, rescind a Chapter 11(a) designation.~~

~~—— (c) Cross References. See Local Bankruptcy Rules 3014-1,  
3016-1, 3016-2, and 3017-1.~~

### PART III

#### **RULE 3003-1      TIME FOR FILING PROOFS OF CLAIM IN CHAPTER 11- CASES**

In a Chapter 11 case a proof of claim is timely filed if it is filed not later than ninety (90) days after the first date set for the meeting of creditors under 11 U.S.C. § 341(a), unless a different date is fixed by the court.

#### **Rule 3003-2      WAGE CLAIMANTS**

A wage claimant must provide claimant's full social security number directly to the trustee ~~appointed in a business case~~, in addition to filing a proof of claim for past wages with the court.

#### **RULE 3007-1      CLAIMS - OBJECTIONS**

(a) Objection. In addition to the service required by Federal Bankruptcy Rules 9014 and 7004(b), a party objecting to a proof of claim must serve a copy of the objection and any supporting memorandum and affidavit on the claimant at the address (and in care of the individual) shown on the proof of claim and must certify that service to the court. The objection must conspicuously state that:

(1) within thirty (30) days after the date on the certificate of service of the objection, the claimant may file

and serve a memorandum in opposition, together with any documents and other evidence the claimant wishes to attach in support of its claim, unless the claimant wishes to rely solely upon the proof of claim; and

(2) an interested party may request a hearing that will be held at the court's discretion.

(b) Adversary Proceeding. This Rule does not apply where an objection to a claim is joined with a request for relief of a kind specified in Federal Bankruptcy Rule 7001 and thereby becomes an adversary proceeding.

**RULE 3012-1      AVOIDANCE OF LIEN ON PRINCIPAL RESIDENCE UNDER 11  
U.S.C. § 506 - CHAPTER 13 ONLY**

(a) Form. A motion to avoid a lien on a Chapter 13 debtor's principal residence under 11 U.S.C. § 506 may name only one creditor as a respondent. A separate motion is required for each creditor whose lien is sought to be avoided.

(b) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions to avoid lien on the calendar of each judge of the court. The list will be posted in the public area of each division and ~~published by such other means selected by~~on the ~~Clerk~~court's website.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than fifty (50) days after the date of service.

(3) Movant must serve a copy of the motion to avoid lien on the respondent in the manner required by Federal Bankruptcy Rules 9014 and 7004(b) and Local Bankruptcy Rule 3007-1(a)(*that requires service upon the individual who signed a proof of claim filed by respondent*), together with a hearing notice conforming to Local Bankruptcy Form G.

(c) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(d) Response to Motion to Avoid Lien.

(1) Time. If no response to the motion to avoid lien is filed within thirty (30) days after the date of the service, the court may rule on the motion as unopposed.

(2) Unopposed Motion. The court may grant or otherwise dispose of an unopposed motion before the scheduled hearing date.

(e) Proposed Order. Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form H. If granted, avoidance of the lien shall occur at such time as debtor completes

performance of debtor's confirmed Chapter 13 plan and receives a discharge under 11 U.S.C. § 1328(a).

**RULE 3012-2 VALUATION OF COLLATERAL AND AVOIDANCE OF  
NONRESIDENTIAL LIENS - CHAPTER 13 ONLY**

(a) Form. A Motion under 11 U.S.C. § 506 in a Chapter 13 case to value collateral or to avoid a security interest in personal property or in real property that is not a debtor's principal residence may name only one creditor as a respondent. A separate motion is required for each creditor whose lien is sought to be avoided.

(b) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions under subsection (a) on the calendar of each judge of the court. The list will be posted in the public area of each division and ~~published by such other means selected by~~ the ~~Clerk~~*court's website*.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than fifty (50) days after the date of service.

(3) Movant must serve a copy of the motion to avoid lien on the respondent in the manner required by Federal Bankruptcy Rules 9014 and 7004(b) and Local Bankruptcy Rule 3007-1(a)(*that requires service upon the individual who signed a proof of claim filed by respondent*), together with a hearing

notice conforming to Local Bankruptcy Form K.

(c) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(d) Responses to Motion to Avoid Lien.

(1) Time. If no response to the motion to avoid lien is filed within thirty (30) days after the date of the service, the court may rule on the motion as unopposed.

(2) Unopposed Motions. The court may grant or otherwise dispose of an unopposed motion before the scheduled hearing date.

(e) Proposed Order. Movant shall file with the motion a proposed order conforming to Local Bankruptcy Form L. If granted, avoidance of the security interest shall occur at such time as debtor completes performance of debtor's confirmed Chapter 13 plan and receives a discharge under 11 U.S.C. § 1328(a).

~~RULE 3014-1 — BANKRUPTCY CODE § 1111(b) ELECTION IN CHAPTER  
— 11(a) REORGANIZATION CASES~~

~~A Bankruptcy Code § 1111(b) election in a Chapter 11(a) case  
can be made at any time prior to the conclusion of the  
confirmation hearing.~~

**RULE 3015-1      CHAPTER 13 PLANS    - FORM AND SERVICE**

(a) A ~~debtor shall file a~~ Chapter 13 plan ~~that~~*must* conforms to Local Bankruptcy Form M, unless compelling ~~and unusual~~ circumstances require a deviation.

(1) All deviations in a plan from Local Bankruptcy Form M must be highlighted.

(2) The debtor must file all motions and objections that may impact the debtor's plan on or before the first date scheduled for the meeting of creditors under 11 U.S.C. § 341.

(b) If, after filing the petition, the debtor files an original plan, or an amended plan that does anything other than increase the amount payable under the plan, debtor must serve a copy of the plan upon each creditor and the Chapter 13 trustee, and file a certificate of service.

(c) All Chapter 13 Plans must be signed by the debtor and are subject to Local Rule 9011-2(b).

**RULE 3015-2      CHAPTER 13 - CONFIRMATION**

(a) Debtors and their counsel must attend all scheduled confirmation hearings, unless excused by the Chapter 13 trustee or the court.

(b) Objections to the plan must be filed and copies served on the Chapter 13 Trustee, the debtor, and the debtor's attorney *no later than 8* days before the date set for ~~the~~*hearing on*



confirmation of the plan.

(c) Within 8 days prior to the date of the initial confirmation hearing, the debtor must file a Pre-Confirmation Certificate. If a confirmation hearing is continued, an updated Pre-Confirmation Certificate must be filed within 8 days prior to such hearing. ~~by the later of 21 days after the filing of the plan or 45 days after the conclusion of the meeting of creditors.~~

~~RULE 3016-1 CHAPTER 11(a) ACCELERATED CASE PLAN~~

~~—— (a) Time for Filing Plan in Chapter 11(a) Accelerated Case.~~

~~The court will set a time by which the Chapter 11(a) debtor must file a plan, no earlier than sixty (60) days after the entry of the order designating the case for accelerated treatment.~~

~~—— (b) Extension of Time. The court may, with or without motion or notice, extend the time set under section (a) of this Rule for filing a plan.~~

~~—— (c) Failure to File Plan. The failure of a debtor to file a plan within a time set by the court under section (a) or (b) of this Rule constitutes cause for dismissing the case or converting the case to a case under Chapter 7 pursuant to Bankruptcy Code § 1112 (b)(4).~~

~~RULE 3016-2 CHAPTER 11(a) ACCELERATED CASE DISCLOSURE STATEMENT~~

~~(a) Time for Filing. The court will set a time by which a Chapter 11(a) debtor must file a disclosure statement, no earlier than sixty (60) days after the entry of the order designating the case for accelerated treatment.~~

~~(b) Extension of Time. The court may, with or without motion or notice, extend any time set under section (a) of this Rule for filing a disclosure statement.~~

~~(c) Failure to File Disclosure Statement. The failure of a debtor to file a disclosure statement within a time set by the court under section (a) or (b) of this Rule constitutes cause for dismissing the case or converting the case to a case under Chapter 7 pursuant to Bankruptcy Code § 1112(b)(3).~~

~~(d) Content. The disclosure statement for a Chapter 11(a) plan must include a liquidation analysis and a projected budget that contains plan payments.~~

~~RULE 3017-1~~ ~~CONDITIONAL APPROVAL OF DISCLOSURE STATEMENT,~~  
~~OBJECTIONS, AND HEARING IN CHAPTER 11(a)~~  
~~ACCELERATED CASE~~

~~(a) Conditional Approval. The court may conditionally approve a disclosure statement filed by a Chapter 11(a) debtor prior to giving notice of a hearing on the disclosure statement.~~

~~(b) Application of Federal Bankruptcy Rule 3017. A~~  
~~disclosure statement conditionally approved by the court must be~~

~~sent to creditors and equity security holders under Bankruptcy Code § 1125(c) and Federal Bankruptcy Rule 3017(d)(2) and may be used to solicit acceptances or rejections of a plan under Bankruptcy Code § 1125(b).~~

~~—— (c) Objections. Objections to Chapter 11(a) disclosure statements must be filed and served on the debtor, the plan proponent, any committee appointed under the Bankruptcy Code and any other entity designated by the court, at least two (2) business or by an earlier date set by the court.~~

~~—— (d) Disclosure Statement Final Approval. If no objection to or request to modify the Chapter 11(a) disclosure statement is timely filed, the conditional approval of the disclosure statement becomes final at the plan confirmation hearing.~~

~~—— (e) Disclosure Statement Objections Hearing. An objection to or request to modify the Chapter 11(a) disclosure statement will be considered at the held under Bankruptcy Code § 1128(a) and Federal Bankruptcy Rule 3020(b).~~

~~—— (f) Disclosure Statement Amendment. If the court determines that a disclosure statement should not be approved in its current form, the debtor can amend the disclosure statement which the debtor will then send to creditors. In that event, the court may continue the confirmation hearing and set new dates for filing objections to confirmation and for filing plan acceptances or rejections.~~

~~RULE 3018-1      BALLOTS -- VOTING ON PLANS~~

~~(a) Tally.~~

**RULE 3018-1      TALLY OF BALLOTS**

The tally of ballots must be filed with the Clerk no later than the third business day prior to the confirmation hearing. The tally must substantially conform to the form prescribed by the court and available from the Clerk.

~~(b) Disputed Claims. A creditor will have the right, if demanded in a timely response to an objection to its claim, to a hearing on temporary allowance of its claim for the purpose of accepting or rejecting a plan~~

**RULE 3019-1      MODIFICATIONS OF CONFIRMED CHAPTER 11 PLANS OF INDIVIDUAL DEBTORS**

*If the debtor is an individual, a request to modify the plan under § 1127(e) of the Code shall identify the proponent and shall be filed together with the proposed modification. The proponent of the modifications, or such other person as the court may direct, shall give the debtor, the trustee, and all creditors not less than 20 days' notice by mail of the time fixed to file objections and, if an objection is filed, the hearing to consider the proposed modification, unless the court orders otherwise with respect to creditors who are not affected by the proposed modification. A copy of the notice shall be transmitted to the United States trustee, together with a copy of the proposed modification. Any objection to the proposed modification shall be filed and served on*

*the debtor, the proponent of the modification, the trustee, and any other entity designated by the court, and shall be transmitted to the United States trustee. An objection to a proposed modification is governed by Rule 9014.*

**RULE 3022-1      COMPLETION OF THE ADMINISTRATION OF CONFIRMED  
CHAPTER 11 PLANS**

(a) Fully ~~Administered~~Administered Plan. A Chapter 11 plan will be deemed fully administered under Federal Bankruptcy Rule 3022:

(1) after the completion of the following:

(A) six (6) months have elapsed after the entry of a final order of confirmation that has become nonappealable;

(B) the deposits required by the plan have been distributed;

(C) the property proposed by the plan to be transferred has been transferred;

(D) the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;

(E) payments under the plan have commenced; and

(F) all motions, contested matters, and adversary proceedings have been finally resolved; or

*(2) for individual Chapter 11 debtors, upon completion of all plan payments; or*

(~~2~~3) at another time specifically defined by the plan.

(b) Certification. A proponent of a confirmed plan that is fully administered must file forthwith a certification of full administration. The certification must include a final summary report of the disbursements, distributions, and transfers that have been made pursuant to the plan, together with a description of other acts taken to consummate the plan. The certification must also describe any matters involving consummation of the confirmed plan that have not been fully resolved.

(c) Final Decree. The plan proponent must file with the court and serve on the United States Trustee the Court's form motion for a final decree (Local Bankruptcy Form N) closing the case with the certification of full administration.

(d) Progress Reports. The plan proponent shall file and serve on the United States Trustee reports of progress towards full administration of the plan until the proponent files a final certification and report. The first report must be filed six (6) months after the entry of the order of confirmation. Subsequent reports must be filed every six (6) months thereafter.

#### **RULE 3070-1      CHAPTER 13 - SPECIAL PROCEDURES**

(a) A debtor in a case under chapter 13 will be presumed to

have provided adequate protection of collateral by continuing to make payments as and when due and maintaining required insurance for the collateral.

(b) Upon dismissal or conversion of a Chapter 13 case, any funds that the trustee holds in a case will be charged for the trustee's allowed expenses and any outstanding Clerk's fees.

## PART IV

### **RULE 4001-1      AUTOMATIC STAY - RELIEF FROM**

(a) Form of Motion.    ~~A~~

*(1) Generally a* motion for relief from the automatic stay of 11 U.S.C. § 362(a) must be titled "Motion for Relief from Stay" or a similar phrase. The motion's caption must be in the format used in Official Bankruptcy Form 16D for an adversary proceeding. The motion may not be combined with a request for any other relief, except for adequate protection or for relief from the co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a).

*(2) Prospective Relief*

*(i) Any motion for relief from stay that includes a request for the imposition of an equitable servitude, or any other prospective relief that would limit a stay arising under 11 U.S.C. §362(a), must be titled in a manner that clearly and conspicuously so states.*

*(ii) Any proposed order submitted by counsel, including any order consented to by adverse parties, must be titled in a manner that clearly and conspicuously so states.*



(b) Contents of Motion for Relief from Stay. The following material, when applicable, must be included in a motion for relief from stay:

(1) A detailed statement of the debt owed to the movant;

(2) If periodic payments are in arrears, the amount of arrears accrued prepetition and the amount of arrears accrued postpetition;

(3) A description of the property encumbered;

(4) A description of the security interest involved, with attached documents that evidence the security interest and its perfection;

(5) A statement of the basis for the relief claimed, such as, a lack of adequate protection or the absence of equity and that the property is not necessary for an effective reorganization. The specific facts constituting cause shall be set forth if a motion is brought for cause;

(6) If movant asserts a valuation of the subject property, the motion should state the amount of the valuation, the date, and the basis therefor (appraisal, blue book, etc.);

(7) The specific nature of the relief from stay that is requested.

(c) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions for relief from stay on the calendar

of each judge of the court. The list will be posted in the public area of each division and ~~published by such other means selected by~~on the ~~Clerk~~court's website.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than twenty-one (21) days after the date of service.

(3) Movant must serve the motion for relief from stay with a hearing notice conforming to Local Bankruptcy Form B.  
~~The motion and hearing notice must be served upon all entities entitled to notice of the motion for relief from stay.~~

~~(d) Filing of Proof of Service. Within five (5) business days after service, the movant must file the motion for relief from stay, the notice of hearing, and a certificate of service covering both. The certificate must comply with Local Bankruptcy Rule 9013-4.~~

~~(e)~~(d) Response to Motion for Relief from Stay.

(1) Time. An opposition to a motion for relief from stay must be filed within seventeen (17) days after ~~the date~~ service of the ~~notice of hearing~~ motion.

(2) Form. The caption of the response must be the same as the form for the caption of the motion as set out in paragraph (a) above.

(3) Pleading. A response must include detailed answers to each numbered paragraph of the motion, in conformity with the requirements of Fed.R.Civ.P. 8(b) and (d). All defenses

to the motion must be stated in the response.

(4) Response by Standing Chapter 12 and 13 Trustees.

Standing Chapter 12 and Chapter 13 Trustees are served for informational purposes and are not required to respond to motions for relief from stay.

(~~f~~e) Unopposed Motion. If ~~a~~ timely ~~response opposing the relief requested is not filed to a motion served in accordance with this Rule, the court~~ *opposition is not filed, the Court* may grant or otherwise dispose of the motion ~~before~~ *prior* to the scheduled hearing date.

(~~g~~f) Requirements Under 11 U.S.C. § 362(e).

(1) Waiver. If a movant notices a hearing date more than thirty (30) days after the date of the filing of the motion, movant is deemed to have consented to the inapplicability of 11 U.S.C. § 362(e) through the day of the hearing on the motion for relief from stay.

(2) Commencement of Measuring Period. A request for relief under 11 U.S.C. § 362(d) is complete to commence the thirty (30) day measuring period under § 362(e) only when filed and noticed in compliance with this Rule.

(~~h~~g) Deadline for Pre-Filing Exhibits. In cases under Chapter 11, exhibits must be pre-filed as required by Local Bankruptcy Rule 7016-1(c) no later than the third business day before the noticed hearing date.

#### **RULE 4001-2      AUTOMATIC STAY - POST-FILING ARREARS**

Where an issue presented by a motion for relief from stay is the Debtor's failure to make payments that became due after the filing of the bankruptcy case, the moving party shall file and serve a history of payments received post-petition upon the Debtor at least eight (8) days before the date set for hearing.

#### **Rule 4001-3      ACTION FOLLOWING FORECLOSURE**

A party obtaining relief from the automatic stay and thereafter consummating a foreclosure sale that produces a surplus must:

(a) provide a copy of the Report of Sale and all Auditor's Reports to the bankruptcy trustee, and

(b) when filing the Report of Sale in a case under chapter 7 *or Chapter 13*, notify the Auditor of the name and address of the bankruptcy trustee ~~to whom the surplus must be paid.~~

#### **RULE 4001-4      OBTAINING CREDIT/REFINANCING**

(a) Movant must provide the notice required by Federal Bankruptcy Rule 4001(c) for a motion to obtain credit.

(b) At least ~~twenty~~*fifteen* (~~20~~*15*) days' notice must be given of a right to object.

(c) The notice must include a hearing date ~~for objections~~ that ~~Mthe~~*the* movant ~~may~~*s* select*s* from a list of hearing dates that is maintained by the Clerk for the assigned judge *on the court's*

website.

(d) The notice must also include a description of the essential terms of the proposed credit, including the amount, the interest rate, the lender's identity, the collateral pledged therefor, the repayment terms, the costs therefor, and the proposed use of the proceeds.

(e) The notice may include a statement that the court may grant relief without a hearing if no ~~objections are filed.~~  
*timely objection is filed.*

*(f) In any Chapter 13 case in which the deadline to file claims has expired, the title of the notice must include the following words:*

*AND SETTING DEADLINE TO AMEND FILED PROOFS OF CLAIMS*

*(g) In a Chapter 13 case in which the deadline to file proofs of claims has expired, the notice must include the following words:*

*In accordance with Local Bankruptcy Rule 4001-4(g), any amendment to a previously filed claim must be filed no later than twenty (20) days after the date of filing of this notice. Such amendments include amending a claim previously filed as a secured claim, to reflect an unsecured claim resulting from the effect of 11 U.S.C. § 506(a) and/or liquidation of the collateral.*

***RULE 4001-5 POST PETITION PAYMENT NOTICES AND ACCOUNT ACCESS***

*Creditors and lessors may continue to provide customary*

*notices, including, but not limited to, monthly statements, payment coupons, escrow adjustment analyses to debtors regarding post-petition account activity. Further, to the extent available, creditors and lessors may allow debtors to access, obtain information, and make post-petition payments through electronic, telephonic and/or on-line means.*

*The creditor's or lessor's actions outlined in the immediately preceding paragraph shall not be considered a violation of the automatic stay.*

**RULE 4002-1      CURRENT ADDRESS AND TELEPHONE NUMBER OF DEBTOR**

(a)    Address of Debtor.    Every debtor must maintain a statement of the debtor's current address with the Clerk. This obligation continues until the case is closed.

(b)    Debtor's Telephone Number.    A debtor proceeding in proper person must maintain a statement of the debtor's current telephone number with the Clerk. This obligation continues until the case is closed.

**RULE 4003-1      OBJECTION TO CLAIM OF EXEMPTIONS**

Required Notice.    An objection to the list of property claimed as exempt under § 522 of the Bankruptcy Code must contain conspicuous notice that: (1) any opposition to the objection must be filed and served within thirty (30) days after the objection was

served, and (2) the court may rule upon the objection and any response thereto without a hearing.

**RULE 4003-2      LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)**

(a) Form. A motion to avoid a lien under 11 U.S.C. § 522(f) may name only one creditor as a respondent. A separate motion is required for each creditor whose lien is sought to be avoided.

(b) Service of Motion and Notice of Hearing.

(1) The Clerk will maintain a list of dates available for hearings on motions to avoid lien on the calendar of each judge of the court. The list will be posted in the public area of each division and ~~published by such other means selected by~~on the ~~Clerk~~court's website.

(2) Movant must select a hearing date from the list for the judge to whom the case is assigned that is more than fifty (50) days after the date of service.

(3) Movant must serve a copy of the motion to avoid lien on the respondent in the manner required by Federal Bankruptcy Rules 9014 and 7004(b) and Local Bankruptcy Rule 3007-1(a) *(that requires service upon the individual who signed the proof of claim filed by respondent)* together with a hearing notice conforming to Local Bankruptcy Form C.

(c) Filing of Proof of Service. Movant must file with the motion a certificate of service of the motion to avoid lien and the

notice of hearing. The certificate must comply with Local Bankruptcy Rule 9013-4.

(d) Responses to Motions to Avoid Lien.

(1) Time. If no response to the motion to avoid lien is filed within twenty-five (25) days after the date of the service, the court may rule on the motion as unopposed.

(2) Unopposed Motions. The court may grant or otherwise ~~dispose of an unopposed motion before the scheduled hearing date.~~ *rule on the motion without a hearing.*

~~RULE 4007-1 — DISCHARGEABILITY COMPLAINTS UNDER 11 U.S.C.~~

~~§ 523(a) (15)~~

~~In an adversary proceeding where a claim is made under § 523(a)(15), plaintiff shall file with the complaint: (1) copies of the order, agreement, or any other document relied upon as the source of the obligation, and (2) a completed Local Bankruptcy Form D Financial Statement. Defendant shall file a financial statement in the same form with the response to the complaint. The parties have a continuing obligation to update the financial statements during the pendency of the adversary proceeding.~~

~~RULE 4008-1 — REAFFIRMATION AGREEMENTS~~

~~When a debtor is represented by counsel that represents the debtor during the course of negotiating the reaffirmation~~



~~agreement, the requirements of 11 U.S.C. § 524(c) are deemed satisfied by the filing of a fully completed Reaffirmation Agreement Form B240 (3/99) published by the Administrative Office of the United States Courts, as it may be amended, that has been executed by the debtor, debtor's counsel, and the creditor. A copy of Form B240 is~~

**RULE 4008-1      DISCHARGE IN CHAPTER 13 CASES**

*The Debtor's Affidavit Requesting Discharge, Local Bankruptcy Form ~~E in Appendix A.~~ P, must be filed and served on the Chapter 13 trustee and all creditors no later than 90 days after the Chapter 13 trustee files the notice of completion of plan payments. The failure to timely file this affidavit may result in the case being closed without a discharge.*

## PART V

### **RULE 5001-1      COURT ADMINISTRATION - LAPSE IN APPROPRIATIONS**

This Rule will become effective only when Congress fails to enact legislation to fund operations of the United States Courts. The Anti-Deficiency Act, 31 U.S.C. § 1515, limits permissible government activities in the event of such a failure to those otherwise "authorized by law" or those needed to meet "cases of emergency involving the safety of human life or the protections of property."

This court is directly involved in the judicial process and under the Constitution and laws of the United States, it is always open to exercise the judicial power of the United States as a unit of the District Court. Thus, the court must continue, even in the absence of funding by Congress, to receive new cases, and to hear and dispose of pending cases. Activities will, however, be limited as nearly as practical to those functions necessary and essential to continue the resolution of pending cases. The court will advise the United States Marshal and the General Services Administration of the level of building and security services necessary to maintain such court operations.

The court finds that judges' staffs and the Clerk and the Clerk's staff are persons essential to the continuation of court-

operations. Work of all personnel shall be limited to those essential functions set forth above.

**RULE 5001-2 CLERK - OFFICE LOCATION/HOURS**

(a) Office Hours. The office hours of the Clerk in the Greenbelt and Baltimore Divisions shall be from 8:00 a.m. to 4:00 p.m. on all days, except Saturdays, Sundays, and holidays observed by the United States District Court for the District of Maryland.

(b) "Night Box". A "night box" is located in the lobby of each of the United States Courthouses in Baltimore and in Greenbelt. Bankruptcy petitions, pleadings and other papers may be placed in the night box for filing after regular office hours, Monday through Friday (except holidays) and until the courthouse is closed or midnight, whichever is earlier. The Garmatz Federal Courthouse in Baltimore is open 24 hours while the Greenbelt Federal Courthouse is closed at 7:00 p.m. **The night box is intended as an after-hours convenience, and it is not intended as an alternative for filing papers during regular office hours.** Petitions, pleadings and other papers deposited in the night box will be "date stamped" as follows:

(1) Emergency: All petitions or pleadings designated as emergency filings by use of the appropriate cover sheet shall be date stamped as of the date deposited. A "Priority Cover Sheet" located at the drop box location must be placed on the

front of all emergency or time sensitive petitions and pleadings.

(2) Non-emergency: All other petitions, pleadings and other papers will be date stamped the next business day.

(3) During periods outside regular office hours of the Clerk's Office when the night box is not available, arrangements may be made in advance for emergency filings by contacting a designated court representative. The names of the designated court representatives are posted on each night box and on notice boards in the divisional offices.

(c) Division of Business. The division of business for the United States Bankruptcy Court for the District of Maryland is as follows:

(1) Cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George's, St. Mary's, and Washington Counties are assigned to the Greenbelt Divisional Office, 300 U.S. Courthouse, 6500 Cherrywood Lane, Greenbelt, Maryland, 20770, (301) 344-8018.

(2) Cases originating in Baltimore City, Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties are assigned to the Baltimore Divisional Office, 8308 U.S. Courthouse, 101 West Lombard Street, Baltimore, Maryland, 21201, (410) 962-2688.

(d) Places for Holding Court

(1) All court hearings in cases originating in Baltimore City, Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard counties will be scheduled in the Garmatz Federal Courthouse, 101 West Lombard Street, Baltimore, Maryland, 21201.

(2) All court hearings in cases originating in Allegany, Calvert, Charles, Frederick, Garrett, Montgomery, Prince George's, St. Mary's, and Washington Counties will be scheduled in the Federal Courthouse at 6500 Cherrywood Lane, Greenbelt, Maryland, 20770.

(3) All court hearings in cases under Chapters 7, 12 and 13 originating in Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties, including related adversary proceedings, and all Section 341 meetings of creditors therein, will be scheduled in the United States Courtroom, U.S. Post Office Building, Room 104, 129 East Main Street, Salisbury, Maryland. A debtor in a case originating from Queen Anne's County may request by motion that all future court hearings, excluding Section 341 meetings of creditors, be conducted at the United States Courthouse in Baltimore. In Chapter 11 cases, the Section 341 meeting of creditors will be conducted by the U.S. Trustee in Baltimore; and court hearings

*will be scheduled in Salisbury, if possible, or in Baltimore at the request of a party, if necessary.*

*(4) In a case originating in Queen Anne's County, a debtor may request by motion that all court hearings, other than the meeting of creditors held under Section 341, be conducted at the United States Courthouse in Baltimore.*

*(5) In cases under chapter 11 originating in Anne Arundel County, Baltimore City, Baltimore County, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, Talbot, Wicomico or Worcester County, the meeting of creditors held under Section 341 will be conducted by the United States Trustee in Baltimore. Court hearings may be scheduled in Salisbury or Baltimore at the direction of the court. The court will consider the convenience of the parties in selecting the venue.*

**RULE 5005-1      FILING BY ELECTRONIC MEANS**

The Court will accept for filing documents submitted, signed or verified by electronic means that comply with the Electronic Case Filing Procedures established by the Court *as published on the Court's website.*

**RULE 5011-1      ABSTENTION**

(a) Adversary Proceeding. In an adversary proceeding, a motion for abstention pursuant to 28 U.S.C. § 1334(c), must be filed within the time prescribed for filing a response under Federal Bankruptcy Rule 7012(a).

(b) Contested Matter. In a contested matter, a motion for abstention pursuant to 28 U.S.C. § 1334(c) must be filed within thirty (30) days from the date indicated on the certificate of service on the pleading initiating the contested matter.

**RULE 5011-2      WITHDRAWAL OF REFERENCE**

A motion for withdrawal of reference is governed by Local Rule 40~~4~~5.2 of the United States District Court for the District of Maryland. See Appendix B.

**RULE 5071-1      MOTIONS FOR POSTPONEMENT/CONTINUANCES**

(a) Court Order Required. A court order is required for any postponement of a hearing, pretrial conference, or trial.

(b) Notice to Client and Other Parties. A motion ~~for a postponement of a hearing, pretrial conference, or trial may not be filed without the knowledge of the client or counsel moving for the postponement~~to postpone any matter before the court must certify that the client has prior notice of the filing of that motion.

Notice of such motion, together with the reasons therefor, must be given by the fastest means to avoid inconvenience to other parties entitled to notice to all other parties or their counsel before filing unless such notice is waived.

(c) Conflicting Engagement. A motion for a postponement of a hearing or trial on the ground of a prior conflicting engagement must be filed within ten (10) days after the date such conflict became apparent. Written evidence of the conflicting engagement must be attached to the motion.

(d) Meeting of Creditors. A request for postponement of a meeting of creditors held under Bankruptcy Code § 341 shall be handled as follows:

(1) in Chapter 12 and 13 cases requests shall be made to the standing trustee assigned to the case;

(2) in Chapter 7 cases requests shall be made to the interim trustee; and

(3) in Chapter 11 cases requests shall be made to the Assistant U.S. Trustee assigned to the division of court where the case is pending.

#### **RULE 5073-1      PHOTOGRAPHY, RECORDING DEVICES AND BROADCASTING**

Unless otherwise ordered by the court, no court proceeding can be photographed, videotaped, televised, recorded, reproduced, or broadcast in any way except by an official court reporter.



## PART VI

### **RULE 6004-1      SALE OF ESTATE PROPERTY**

(a) Sale Notices. Notices of private sale of estate property must include the following:

- (1) if an appraisal has been performed,
  - (A) the appraised value of the asset being sold;
  - (B) the date of the appraisal; and
  - (C) the name and address of the appraiser;
- (2) if no appraisal has been performed, the scheduled value of the asset being sold;
- (3) the purchaser's identity;
- (4) a full description of any relationship between the purchaser and any party in interest;
- (5) a statement of all consideration paid and to be paid by the purchaser and the payment terms;
- (6) the date by which an objection must be filed;
- (7) a date selected from the court's ~~web site~~website for a hearing if a timely objection is filed; and
- (8) a statement that the property may be sold without further notice if a timely objection is not filed.

(b) Disclosure of Sale Charges.

~~(1) Unless included~~ All charges and costs to be paid by the estate and all concessions to be made by the estate must be disclosed in the notice of sale, ~~the following~~

~~charges cannot be paid in connection with the sale of estate property;~~

~~(A) points, loan origination fees, loan enabling fees, or other buyer financing charges for the purchase of property of the estate;~~

~~(B) documentary stamps, transfer taxes, or recording fees; and~~

~~(c) buyers' premiums.~~

~~(2) The buyers' settlement charges are excluded from the prohibition of subsection (1).~~

(c) Sale Without Objection. If no timely written objection is filed, the sale shall be deemed authorized upon expiration of the notice period. This paragraph does not apply to sales free and clear of liens or of interests of persons other than the debtor.

(d) Clerk's Certificate. Upon payment of the appropriate fee, the Clerk will furnish a certificate that no objection has been filed to a notice of sale.

*(e) In any Chapter 13 case in which the deadline to file claims has expired, the title of the notice must include the following words:*

*AND SETTING DEADLINE TO AMEND FILED PROOFS OF CLAIMS*

*(f) In a Chapter 13 case in which the deadline to file proofs of claims has expired, the notice must include the following words:*

*In accordance with Local Bankruptcy Rule 6004-1(f), any amendment to a previously filed claim must be filed no later than twenty (20) days after the date of filing of this notice. Such*

*amendments include amending a claim previously filed as a secured claim, to reflect an unsecured claim resulting from the effect of 11 U.S.C. § 506(a) and/or liquidation of the collateral.*

**RULE 6006-1      EXECUTORY CONTRACTS - UNEXPIRED LEASES**

(a)    Notice Required.    Parties seeking the assumption, rejection, or assignment of an executory contract or unexpired lease must give notice of the proposed action to: (1) the other party to the executory contract or unexpired lease; (2) any official committee, or in the absence of a committee, to the holders of the ten (10) largest unsecured claims taken from debtor's list filed pursuant to Federal Bankruptcy Rule 1007(d) or Schedule F; (3) the trustee; (4) the United States Trustee; and (5) all parties requesting notice. The notice must state that the court may rule upon the request without a hearing if there is no timely request for a hearing.

(b)    Motion to Reject a Collective Bargaining Agreement.    A party moving to reject a collective bargaining agreement must file the following with the motion:

(1)      an affidavit demonstrating compliance with Bankruptcy Code § 1113(b); and

(2)      a certificate of service that the moving party has served the motion and affidavit on the authorized representative of the employees covered by the collective bargaining agreement.

**RULE 6070-1      TAX REFUNDS**

Notice to Trustee and Court. It is the duty of the debtor, within five (5) days of receipt of a tax refund or notice of tax assessment or deficiency, to file with the court, and in Chapter 7 cases to send to the trustee, a copy of the refund check and transmittal letter and a copy of any tax assessment, deficiency notice, or other relevant documents.

## **PART VII**

### **RULE 7001-1 TRUSTEES' FILING FEES**

Payment of the filing fee for an adversary proceeding filed by a trustee may be deferred pending acquisition of sufficient funds by the trustee to pay such fees in full or pro rata with other expenses of administration.

### **RULE 7003-1 ADVERSARY COVER SHEET**

A party who is not represented by an authorized Filing User of the Electronic Case Filing system must file a completed adversary proceeding cover sheet when filing an adversary proceeding.

### **RULE 7003-2 DISCLOSURE OF CORPORATE AFFILIATES**

Each non-governmental corporate party to an adversary proceeding ~~in this court~~ *or contested matter* shall file a statement identifying all its parent corporations and listing every publicly held company that owns 10% or more of the party's stock. A party shall file the statement with its initial pleading filed in the court and shall supplement the statement within a reasonable time of any change in the information.

### **RULE 7005-1 FILING OF DISCOVERY MATERIALS**

Unless otherwise ordered by the court, a party may not file with the court either written discovery requests, responses to

discovery or depositions (other than as exhibits to motions). A party propounding written discovery or taking a deposition or providing a discovery response must file a notice stating: (a) the type of discovery or response served; (b) the date and type of service; and (c) the person(s) served. Parties must retain the original copies of the discovery materials and make them available for inspection by any other party.

#### **RULE 7012-1 CORE OR NON-CORE MATTERS**

(a) Prior to trial a party may move for a ruling that an adversary proceeding is core or non-core. The court will ordinarily allow adverse parties fourteen (14) days from service of the motion to file responses. Such a motion does not postpone any time periods unless ordered by the court.

(b) At any time before the conclusion of a matter on the merits, a party to a proceeding may file a consent to the entry of a final order by the Bankruptcy Court under 28 U.S.C. § 157(c)(2).

#### ~~**RULE 7012-2 DISCLOSURE OF CORPORATE AFFILIATES**~~

~~Local Bankruptcy Rule 7003-2 applies to responding parties.~~

#### **RULE 7016-1 PRETRIAL PROCEDURES**

(a) General. The court may, in any adversary proceeding or contested matter, direct the attorney for a party or a party appearing pro se to appear before it for a preliminary scheduling or pretrial conference pursuant to Federal Bankruptcy Rule 7016.

(b) Pretrial Statement. Where required by court order, each party will file a pretrial memorandum, with copies sent to all other attorneys of record or parties proceeding pro se. Each party must state the following in its pretrial memorandum:

(1) a brief statement of facts that the party proposes to prove in support of a claim or defense, together with a statement of legal theories and citations of authorities;

(2) any required pleading amendments;

(3) any pleaded, but abandoned, issue;

(4) stipulations of fact;

(5) the details of the damage claimed or any other relief sought;

(6) a list of the documents and records to be offered in evidence by the party at the trial other than those expected to be used solely for impeachment, indicating which documents the party expects to introduce in evidence without the usual authentication;

(7) a list of the names and specialties of experts that the party proposes to call as witnesses; and

(8) a statement of any matter that must be resolved before trial.

(c) Required Pre-Filing of Exhibits.

(1) Adversary Proceedings and Chapter 11 Lift Stays.

In all adversary proceedings and in motions seeking relief from stay in Chapter 11 cases, each party must pre-file all exhibits which that party intends to introduce into evidence,

except for exhibits to be offered solely for rebuttal. Each party must include in the pre-filed exhibits any report by an expert whom the party may call as a witness or, if no report has been prepared, an affidavit by such expert as to the expert's direct testimony. The exhibits must be filed and received by the opposing parties within the time limits set in the scheduling order. In adversary proceedings, if opposing parties do not file written objections to pre-filed exhibits by the time specified in the scheduling order, the exhibits will be admitted into evidence.

(2) Method of pre-filing of Exhibits. All pre-filed exhibits must be filed within the time limits set in the scheduling order by submission of an original and two (2) copies. Each set of exhibits must be bound or affixed together and must have at the beginning an exhibit list identifying each exhibit by number. Each exhibit must be tabbed by exhibit number. An additional copy must be furnished to each other party in the matter.

(3) Size. To the extent possible, all exhibits must be reduced to 8½ by 11 inches.

(4) Failure to Pre-file Exhibits. Exhibits that are not pre-filed as required by this Rule may be excluded from evidence.

(d) Proof of Amount of Claim or Debt.

(1) Required Verified Statement. In all adversary proceedings and all contested matters, a party seeking to



prove the amount of a liquidated debt must offer as an exhibit an affidavit setting forth the amount of the alleged claim or debt, itemized by component, unless the information is contained in a previously filed pleading in the matter and verified pursuant to 28 U.S.C. § 1746. The declarant must be present in the courtroom for cross-examination, or an objection made pursuant to Federal Rule of Evidence 802 may be sustained.

(2) Pre-filing Requirement. In adversary proceedings and Chapter 11 motions for relief from stay, the required affidavit or verified pleading must be pre-filed as an exhibit, in accordance with subsection (d)(1) of this Rule.

#### **RULE 7026-1      DISCOVERY - GENERAL**

(a) Discovery Request Limits. A party may not serve on any other party in a contested matter or an adversary proceeding more than thirty (30) interrogatories, ~~more than~~ *and* thirty (30) requests for production, ~~and thirty (30) requests for admissions~~, including all parts and sub-parts.

(b) Timely Written Discovery Requests Required. All discovery requests must be made at a sufficiently early date to assure that the time for response expires before any discovery deadlines set by the court.

(c) Discovery to Proceed Despite Existence of Disputes.

Unless otherwise ordered by the court, a discovery dispute as to one matter does not justify delay in taking or responding to any other discovery.

(d) Discovery Stayed Pending Resolution of Federal Bankruptcy Rule 7012(b) Motion. The filing of a motion pursuant to Federal Bankruptcy Rule 7012(b) stays discovery unless the movant presents matters outside the pleading.

(e) Format of Responses. Responses to discovery must restate each request followed by the response or a brief statement of the grounds for objection.

(f) Conference of Counsel Required. Counsel must confer concerning a discovery dispute and make good faith attempts to resolve their differences. The court will not resolve a discovery dispute unless the moving party has filed a certificate stating:

(1) the date, time, and place of the discovery conference, the names of all persons participating and any unresolved issues remaining; or

(2) the moving party's attempts to hold such a conference without success.

(g) Smoking During Depositions Prohibited. Unless all persons present agree, no one may smoke in a room where a deposition is being taken.

(h) Deposition of an Expert. The party taking the deposition of an expert shall pay a reasonable fee for the time spent by the expert in deposition and traveling to and from the deposition. The

party designating the expert will pay any fee charged by the expert for time spent in preparing for the deposition.

(i) Copying Expenses. A party in interest requesting copies of documents that were produced for inspection must pay the actual, reasonable costs of copying.

(j) Discovery Guidelines. Discovery Guidelines adopted by the court and set forth in Appendix C govern the conduct of discovery.

#### **RULE 7054-1 ALLOWANCE OF COSTS**

No costs will be allowed in adversary proceedings in excess of filing fees unless the entitled party files a Bill of Costs within twenty (20) days after the entry of the judgment or order.

#### **RULE 7054-2 ATTORNEYS' FEES**

Unless a longer period is fixed by statute or by the court, motions by a prevailing party for an award of attorney's fees must be filed within twenty (20) days after the entry of judgment or order.

#### **RULE 7055-1 DEFAULT - FAILURE TO PROSECUTE**

(a) Clerk's Notice. If, upon the expiration of six (6) months after the filing of the last pleading, it appears to the Clerk that no significant activity has since occurred in an

adversary proceeding or contested matter in which there is no scheduled hearing, the Clerk will send written notice to all parties to the adversary proceeding or contested matter that the proceeding or matter will be denied or dismissed without prejudice unless, within thirty (30) days after the date of the notice, the plaintiff or movant presents good and sufficient cause in writing why the dismissal or denial should not be ordered.

(b) Court Action. If there is no response to the Clerk's notice, an order of dismissal or denial may be entered.

**RULE 7056-1      WHERE SUMMARY JUDGMENT IS REQUESTED AGAINST  
PRO SE PARTY**

*The notice of any motion seeking summary judgment in which the non-moving party is pro se shall conform substantially to Official Form 20A and, in addition, shall set forth the requirement for a response in substantially the following form:*

**NOTICE**

*A motion for summary judgment is a request that one or more issues in a case be decided without holding a trial. Motions for summary judgment are governed by Rule 56, Federal Rules of Civil Procedure. Summary judgment may be granted if (a) the material facts are not genuinely disputed and (b) based on those facts, the party asking for summary judgment is entitled to judgment as a matter of law. If you wish to oppose the motion, you must file with the court and serve on the other party, a written response at least two business days prior to the hearing. **If you fail to file a timely written response to the motion, the court may assume you do not oppose the motion and may grant the motion without holding a hearing.** This will result in the termination of the matter in favor of the moving party. If you disagree*

with any of the facts stated by the other party, you must include with your response sworn statements from yourself or other knowledgeable witnesses supporting your version of the facts. A sworn statement may take the form either of an affidavit or a declaration signed under penalty of perjury. Any documents you want the court to consider should be identified in, and attached to, the sworn statements. If you are unable to obtain sworn statements supporting your position, you must file a sworn statement stating why you are unable to obtain such statements at this time.

## **PART VIII**

### **RULE 8001-1      APPEALS**

See Appendix B.

## **PART IX**

### **RULE 9001-1      DEFINITIONS AND RULES**

(a) Definitions in Federal Bankruptcy Rules. The definitions of words and phrases in Federal Bankruptcy Rule 9001 and the definitions adopted by reference therein apply in these Local Bankruptcy Rules.

(b) Bankruptcy Code. In these Local Bankruptcy Rules, reference to the Bankruptcy Code means Title 11 of the United States Code.

(c) Federal Bankruptcy Rules. Reference to Federal Bankruptcy Rule(s) means the Federal Rules of Bankruptcy Procedure.

(d) District Court. In these Local Bankruptcy Rules, reference to the District Court means the United States District Court for the District of Maryland.

(e) File. Where the word "file" appears in these Local Bankruptcy Rules, such filing is to be made electronically via ECF or with the appropriate divisional office of the Clerk of the United States Bankruptcy Court for the District of Maryland.

### **RULE 9004-1      PAPERS - REQUIREMENTS OF FORM; ORDERS**

(a) General. All petitions, pleadings, schedules and other documents filed in paper form shall be 8½ by 11 inches in size, legibly typewritten, printed or reproduced. The papers shall be of

standard weight and, except for proposed orders, shall have an upper margin of not less than one half inch. No such document may be two-hole punched, stapled or similarly fastened so as to cause punctures in the paper. Original pleadings must be retained pursuant to Local Bankruptcy Rule 9011-3. Only copies should be submitted for filing with the Court.

(b) Proposed Orders. The first page of all orders shall have an upper margin of not less than three (3) inches. The last line in the order must be, "**End of Order**", centered in the middle of the line. The signature line for the judge shall be omitted.

#### **RULE 9009-1      LOCAL BANKRUPTCY FORMS**

The Local Bankruptcy Forms prescribed in these Rules are set out in Appendix A. They shall be observed and used with alterations as may be appropriate.

#### **RULE 9010-1      PRO SE PARTIES**

(a) Who May Appear Pro Se.    ~~Except for filing motions seeking to obtain funds deposited in the Registry of the Court,~~ only individuals may represent themselves.

(b) Responsibilities of Parties Appearing Pro Se. Individuals representing themselves are responsible for performing all duties imposed on counsel by the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules, and applicable federal or state law.



**RULE 9010-2      CURRENT INFORMATION**

(a) Duty to Keep Current Information on File. Counsel and parties appearing pro se must file and maintain a statement of current address and telephone number in every case in which such person appears. This obligation continues until the case is closed.

(b) Excusable Neglect. Should any person fail to maintain a current address with the Clerk and as a result, either for lack of response or lack of an appearance, the court enters an order dismissing any affirmative claim for relief or enters a judgment by default or otherwise against such person or such person's client, the failure to maintain a current address shall not be considered excusable neglect.

**RULE 9010-3      ATTORNEYS - WHO MAY APPEAR AS COUNSEL**

(a) Generally. Except as otherwise provided in this Rule [\*and 28 U.S.C. § 515\*](#), only members of the Bar of the District Court may appear as counsel.

(b) Admission Pro Hac Vice.

(1) The court can permit any attorney (except a member of the Maryland Bar) who is a member in good standing of the Bar of any other United States Court or of the highest court of any state to appear and participate as counsel in a particular bankruptcy case. Such permission will not

constitute formal admission to the Bar of the District Court. An attorney admitted pro hac vice is subject to the disciplinary jurisdiction of the District Court and of this court.

(2) A party represented by an attorney who has been admitted pro hac vice must also be represented by an attorney who is a member of the Bar of the District Court.

(3) the application for admission pro hac vice shall *comply with Local District Court Rule 101.1.b. The application shall* conform to Local Bankruptcy Form F.

(c) Certain Actions Not Requiring Admission to the Bar of the District Court. An attorney ~~need not be~~ admitted to the Bar of the District Court ~~in order to~~ *may* file (1) a proof of claim for a client ~~or to file~~, (2) a fee application as principal of a professional group, *or (3) a motion to retrieve funds from the Registry of the Court.*

(d) Appearance for Obtaining Deposition Subpoenas. It is not necessary for counsel to be admitted to the Bar of the District Court in order to obtain a subpoena for depositions to be taken in this district for cases pending in other districts. However, an attorney seeking such a subpoena is subject to the disciplinary jurisdiction of the District Court and of this court.

**RULE 9010-4      WITHDRAWAL OF APPEARANCE OF AN ATTORNEY**

(a) When Individuals are Clients.

(1) An attorney may withdraw an appearance entered on behalf of an individual if another attorney has entered an appearance for and appears as attorney of record for that individual;

(2) Except as provided in subparagraph (1), the appearance of an attorney may be withdrawn only with leave of the Court. A motion for leave to withdraw must be accompanied by a certificate stating:

(A) the name and last known address of the client and

(B) that a written notice has been mailed to or otherwise served upon the client at least five (5) days previously advising the client of counsel's proposed withdrawal and notifying the client either to have new counsel enter an appearance or to advise the Clerk that the client will be proceeding without counsel.

(b) When Clients Are Other Than Individuals. If the client is other than an individual, including corporations, partnerships, unincorporated associations and government entities, appearances of counsel may be withdrawn only with leave of court and if:

- (1) appearance of other counsel has been entered or
- (2) withdrawing counsel files a certificate stating:

(A) the name and last known address of the client and

(B) that a written notice has been mailed to or otherwise served upon the client at least five (5) days previously advising the client of counsel's proposed withdrawal and notifying the client that it must have new counsel enter an appearance or be subject to dismissal of its case, dismissal of its claims and/or judgment by default on claims against it. If new counsel has not entered an appearance within twenty (20) days after the filing of the motion to withdraw, the court may dismiss an affirmative claim for relief by, or enter a default against, the unrepresented party.

**RULE 9010-5 ATTORNEY FOR DEBTORS - DUTIES**

(a) An attorney who files a petition in bankruptcy on behalf of a debtor, or who subsequently enters an appearance on behalf of a debtor other than as special counsel approved under Bankruptcy Code § 327(e), will be counsel of record in all matters arising during the administration of the case, such as adversary proceedings and motions for relief from stay, except as set forth below;

(b) In an individual case ~~commenced under or converted to~~ Chapter 7, representation will continue through discharge and

continue as to any matter pending at the time of the discharge. However, an attorney representing an individual debtor may exclude adversary proceedings *and U.S. Trustee audits* provided that debtor's written acknowledgment of this limitation is filed with counsel's Federal Bankruptcy Rule 2016(b) statement<sup>†</sup>

~~(c) In a case under Chapter 11, representation of a debtor will continue until the case is closed or dismissed; (d) In a case under Chapter 12 or Chapter 13, representation will continue for the earlier of ten (10) days after the entry of an order of dismissal of the case or ninety (90) days after the entry of an order confirming the debtor's plan;~~

~~(e) If a case is converted to a case under another Chapter, the Rule under the latter chapter governs; and~~

~~(f) This Rule supersedes all retainer agreements unless otherwise ordered by the court for cause.~~

#### ***RULE 9010-6      CHAPTER 13 DEBTOR'S COUNSEL***

*Counsel for the debtor(s) in a Chapter 13 case shall abide by all requirements set forth in the Chapter 13 Debtor's Counsel Responsibilities and Fees in Appendix F.*

#### **RULE 9011-1      SIGNATURES, FEDERAL BAR NUMBER**

This Rule augments Federal Bankruptcy Rule 9011. An individual signing pleadings must include the signer's printed

name, post office and business address, telephone number and, if available, facsimile and e-mail addresses. If the signer is an attorney admitted to practice before the United States District Court for the District of Maryland, the attorney shall include his or her federal bar number as listed on the Attorney Admission List.

**RULE 9011-2      SIGNING OF ELECTRONICALLY TRANSMITTED PLEADINGS;  
REPRESENTATIONS TO THE COURT**

(a)    Responsibility for Use of Login and Password.    An attorney or other person who is assigned a court-issued login and password to file documents electronically is responsible for all documents filed using that login and password.

(b)    Signature and Certification.    The transmission of a petition, pleading, motion or other paper by electronic means shall constitute both a signature by the attorney or other person responsible for transmitting it that is required by Federal Bankruptcy Rule 9011(a) and a certification within the meaning of Federal Bankruptcy Rule 9011(b). Such transmission shall also constitute a representation by the attorney or other person responsible for an electronic transmission to the Court that he or she is in possession of the original petition, pleading, motion or other paper, with all original signatures thereon other than those papers signed solely by the filing user and co-counsel.

**RULE 9011-3      MAINTENANCE AND PRODUCTION OF ORIGINAL DOCUMENTS**

(a) Maintenance. The attorney or other person responsible for an electronic transmission to the Court shall maintain the original petition, pleading, motion or other paper ~~filed by electronic means, including all~~*bearing* original signatures *other than that of the electronic filer*, for ~~a period ending~~ three (3) years after the bankruptcy case is closed.

(b) Production. Upon reasonable request by the Court or an interested party, the attorney or other person responsible for an electronic filing shall produce for inspection and copying the original petition, pleading, motion, or other paper filed by electronic means, with all original signatures thereon.

**RULE 9013-1      MOTIONS PRACTICE**

(a) Requirement of Written Motion. All motions must be in writing and filed with the court, unless made during a hearing or trial.

(b) Procedure for Motions Other Than Motions for Relief from Stay and Motions to Avoid Lien.

(1) All motions must state with particularity the grounds therefor and the relief or order sought. Supplementing Local Bankruptcy Rule 9013-3 as to moving parties, responding parties must file with the court, at the time of filing a response, a proposed order stating the

requested disposition.

(2) Parties may file with or append to their motion and memorandum, or to their responsive pleading and opposing memorandum, supporting affidavits or documents establishing the elements of entitlement to the relief sought or any defense.

(3) Any responsive pleading and memorandum in opposition to a motion must be filed within fourteen (14) days from the date of service of said motion.

(4) Except as otherwise provided in the Bankruptcy Code, the Federal Bankruptcy Rules, these Rules or by the court, a motion can be decided on the pleadings and memoranda filed.

#### **RULE 9013-2 BRIEFS AND MEMORANDA OF LAW**

A party must file with each motion a brief memorandum of fact and law entitling the movant to the relief claimed or a statement that no memorandum will be filed and that the movant will rely solely upon the motion.

#### **RULE 9013-3 ORDERS - PROPOSED**

(a) All requests for relief, except motions for relief from the automatic stay, motions to dismiss or convert, and pleadings initiating adversary proceedings under Federal Bankruptcy Rule



7001, must be accompanied by a proposed order. The proposed order must contain a specific title describing the nature and effect of the order. The names and addresses of all counsel or other parties in interest who should receive copies of the order shall be set forth in the lower left-hand corner of the final page of the proposed order or carried over to another page. The chapter of the case shall be stated in the caption.

(b) Proposed orders for motions for relief from the automatic stay and responses thereto should be submitted to the court upon the earlier of:

- (1) A consent being reached by all parties; or,
- (2) After the conclusion of the hearing on the motion.

(c) When a proposed order is submitted to the court ~~after a hearing, a copy should~~ *copies shall* be simultaneously transmitted to all other parties to the ~~hearing~~*matter*.

#### **RULE 9013-4      CERTIFICATE OF SERVICE**

(a) Any required certificate of service for a pleading, notice, objection or other paper must be in compliance with Federal Rule of Civil Procedure 5 and applicable provisions of the Federal Bankruptcy Rules. Pursuant to Federal Bankruptcy Rules 5005(a)(2) and 7005, service pursuant to the ECF Guidelines also constitutes valid service.

(b) The certificate shall be placed at the end of the item

served and endorsed by an attorney of record, the attorney's authorized agent, or by a party if not represented by an attorney.

(c) The certificate must state:

- (1) the date and method of service÷;
- (2) the names and addresses of the persons served; and
- (3) if persons are served in a representative capacity, the parties whom they represent.

#### **RULE 9013-5     RESPONSIBILITY FOR PROPER SERVICE**

(a) It is the obligation of an attorney or party that files a pleading to determine every party with a cognizable interest in the pleading that should receive a copy and the current address of each. A certificate of service signed by an attorney, by an attorney's authorized agent or by a party constitutes a representation to the court that all parties entitled to service have been included and have been served properly. Violation of this paragraph shall be subject to an appropriate sanction.

(b) It is the obligation of an attorney or party filing a motion to review any notice of a hearing on that motion prepared by the Clerk and to communicate forthwith to the Clerk any deficiency in the notice and any omission in the list of parties receiving notice.

**RULE 9014-1      DISCOVERY**

The initial disclosures required by Federal Bankruptcy Rule 7026(a) are not applicable to contested matters, unless the court directs otherwise.

**RULE 9014-2      DEFAULT AND DISMISSAL FOR NON-PROSECUTION**

Local Bankruptcy Rule 7055-1 applies in contested matters.

**RULE 9015-1      TIME FOR FILING CONSENT TO HAVE JURY TRIAL  
CONDUCTED BY BANKRUPTCY JUDGE**

A statement of consent to have a jury trial conducted by a bankruptcy judge under 28 U.S.C. § 157(e) must be filed before the conclusion of the initial pretrial conference.

**RULE 9019-1      SETTLEMENTS AND AGREED ORDERS**

(a) Order. Subject to the requirements of Federal Bankruptcy Rules 2002(a)(3), 4001(d), and 9019, when the court is advised by the moving party that an adversary proceeding or contested matter has been settled, the court can enter an order dismissing the adversary proceeding or contested matter and providing for the payment of costs. Such an order of dismissal will be without prejudice to the right of a party to move for good cause to reopen the proceeding or matter within a reasonable time after settlement should have occurred if the settlement is not consummated. Alternatively, the court, upon notification by counsel that a

proceeding or matter has been settled, can require counsel to submit, within ten (10) days, a proposed order providing for the settlement, in default of which the court can enter judgment or other appropriate order.

(b) Complete Disposition. An order entered pursuant to this Rule has the effect of noting the settlement of the entire adversary proceeding or contested matter, including all claims, counterclaims, third-party claims, and cross-claims, unless otherwise stated.

*(c) In adversary proceedings, notices of settlements must be filed in the case file.*

#### **RULE 9019-2      ALTERNATIVE DISPUTE RESOLUTION**

A Bankruptcy Dispute Resolution Program ("BDRP") will be maintained and available to facilitate the resolution of disputes. The BDRP is to operate in such a way as to allow the participants to use a variety of alternative dispute resolution methods. These methods may include but are not limited to: mediation, negotiation, early neutral evaluation and settlement facilitation. The specific method or methods employed will be those that are appropriate, as determined by the Resolution Advocate and the parties.

(a) Cases Eligible for Inclusion in the BDRP. All controversies arising in an adversary proceeding, contested matter, or other dispute in a bankruptcy case, will be eligible for

referral to the BDRP except:

- (1) Employment and compensation of professionals;
- (2) Compensation of trustees and examiners;
- (3) Objections to discharge under 11 U.S.C. § 727, except where such objections are joined with disputes over dischargeability of debts under 11 U.S.C. § 523; and
- (4) Matters involving contempt or other types of sanctions.

(b) Panel of Resolution Advocates. The court shall maintain a panel of professionals (the "Panel") who have volunteered to serve as Resolution Advocates to assist in resolution of matters referred to the BDRP.

(1) An application to serve as a member of the Panel (see Local Bankruptcy Form J-1) must be submitted to the BDRP Administrator by the deadlines established by the court each year.

(2) In order to qualify for service as a Resolution Advocate, each applicant must certify that the applicant is willing, (A) to serve as a Resolution Advocate for a minimum of one year, and (B) to evaluate or mediate pro bono matters not more often than once in six (6) months, subject only to unavailability due to conflicts, personal or professional commitments, or other matters that would make service inappropriate;

(3) The Applicant may indicate the Applicant's availability to act as a Compensated Resolution Advocate in addition to the unpaid services described in paragraph (2) above. The Applicant should state the rates the Applicant would charge for such services;

(4) The court may limit panel membership to keep the Panel at an appropriate size and to ensure that the Panel is comprised of individuals with broad-based experience, superior skills and qualifications.

(c) Administration of the BDRP. A judge of this court will be appointed by the Chief Judge to serve as the BDRP Administrator. The BDRP Administrator will be aided by a staff member of the court, who will collect applications, maintain the roster of the Panel, track and compile results of the BDRP, and handle such other administrative duties as are necessary.

(d) Assignment to Dispute Resolution.

(1) If requested in writing by the parties, a contested matter, adversary proceeding, or other dispute (hereinafter collectively referred to as "Matter" or "Matters") may be assigned to the BDRP by order of the court.

(2) While as a general rule participation in the BDRP is voluntary, any judge, acting sua sponte or on the request of a party, may designate specific Matters for inclusion in the program.

(3) If a Matter is assigned to the BDRP, the parties will be presented with the order assigning the Matter to the BDRP and a current roster of the Panel. The parties will be given the opportunity to confer and designate a mutually acceptable Resolution Advocate as well as an alternate Resolution Advocate.

(4) With the consent of the Judge, the parties may select a Resolution Advocate who is not a member of the Panel, who shall be subject to the applicable provisions of this Rule.

(5) If the parties cannot agree, or if the judge deems selection by the court to be appropriate, the judge will select a Resolution Advocate.

(6) The order assigning a Matter to the BDRP will be Local Bankruptcy Form J-2(a). The Order Appointing Resolution Advocate will be Local Bankruptcy Form J-2(b). The original orders will be docketed and retained in the case or adversary proceeding file and copies mailed by the party so designated by the judge to the assigned Resolution Advocate, the alternate Resolution Advocate, the BDRP Administrator's staff assistant and to all parties with a cognizable interest in the dispute. Assignment to the BDRP does not alter or affect any time limits, deadlines, scheduling matters or orders in any adversary proceeding, contested matter or other proceeding,

unless specifically ordered by the court.

(7) A Resolution Advocate must promptly determine all conflicts or potential conflicts in the same manner as under the applicable rules pertaining to the Resolution Advocate's profession. If the Resolution Advocate's firm has represented one or more of the parties, the Resolution Advocate must promptly disclose that circumstance to all parties in writing. A party who believes that the assigned Resolution Advocate has a conflict of interest may promptly bring that matter to the attention of the Resolution Advocate. If the Resolution Advocate does not withdraw from the assignment, the matter must be brought to the attention of the court by the Resolution Advocate or any party.

(e) Dispute Resolution Procedures.

(1) Within seven (7) calendar days of notification of appointment, the Resolution Advocate shall:

(A) give notice to the parties of the time and place for the BDRP conference. The conference will commence not later than sixty (60) calendar days following the date of appointment of the Resolution Advocate unless the Order of Appointment provides a different time period in which to commence the BDRP Conference, and which will be held in a suitable neutral setting, such as the office of the Resolution Advocate.



The Resolution Advocate will circulate for signature the Confidentiality Agreement, Local Bankruptcy Form J-3 at this conference; or

(B) if the Resolution Advocate is not available to serve in the Matter, notify the parties, the alternate Resolution Advocate, and the BDRP Administrator's staff assistant of that unavailability. The alternate Resolution Advocate will thereafter serve as the Resolution Advocate. Upon written stipulation between the Resolution Advocate and the parties, the BDRP conference may be continued for a period not to exceed thirty (30) days.

(2) Unless modified by the Resolution Advocate, no later than eight (8) days of notification prior to the date of the BDRP Conference, each party must submit a written BDRP Statement directly to the Resolution Advocate. The plaintiff or movant will provide the Resolution Advocate with copies of the complaint or motion and the answer or opposition with respect to the contested matter along with the BDRP Statement. For good cause, the Judge may order a different schedule. The Resolution Advocate must keep a BDRP Statement confidential and not disclose its contents to anyone without express written consent of the party submitting it.

(3) Such statements will not exceed ten (10) pages (not

counting exhibits and attachments). While such statements may include any information that would be useful, they must:

(A) identify the person(s), in addition to counsel, who will attend the session as representative of the party with decision making authority;

(B) describe briefly the substance of the dispute;

(C) address whether there are legal or factual issues whose early resolution might appreciably reduce the scope of the dispute or contribute significantly to settlement;

(D) identify the discovery that could contribute most to equipping the parties for meaningful discussions;

(E) set forth the history of past settlement discussions, including disclosure of prior and any presently outstanding offers and demands;

(F) make an estimate of the cost and time to be expended for further discovery, pretrial motions, expert witnesses and trial; *and*

(G) indicate presently scheduled dates for further status conferences, pretrial conferences, trial or otherwise; ~~and~~.

(4) Parties may identify in the BDRP Statements persons connected to a party opponent (including a representative of a party opponent's insurance carrier) whose

presence at the BDRP Conference would improve substantially the prospects for making the session productive; the fact that a person has been so identified, will not, by itself, result in an order compelling that person to attend the BDRP Conference. A separate motion and court order are required.

(5) Parties must attach to their written BDRP Statements copies of documents out of which the dispute has arisen, e.g., contracts and those documents whose availability would materially advance the purposes of the BDRP Conference.

(6) The BDRP Statements shall not be filed. The court shall not have access to them.

(7) Counsel for each party who is primarily responsible for the Matter (or the party, who is proceeding pro se) will personally attend the BDRP Conference and any adjourned sessions of that conference. Counsel for each party must come prepared to discuss resolution of the Matter in detail and in good faith.

(8) All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall attend the BDRP Conference in person, unless excused by the Resolution Advocate for cause. A party or lawyer who is excused from appearing in person at the BDRP Conference may be required to participate by telephone.

(9) The Resolution Advocate may direct parties to attend a second BDRP Conference, if in the judgment of the Resolution Advocate, a subsequent mediation session would promote resolution of the dispute.

(10) Willful failure to attend the BDRP Conference, or other violations of this Rule, shall be reported to the court by the Resolution Advocate and may result in the imposition of sanctions by the court.

(11) (A) All written and oral communications made in connection with or during any BDRP Conference, including the BRRP Statements, will be subject to all protections afforded by Fed. R. Evid. 408. No such communication may be used in any present or future proceeding for any purpose. Nevertheless, if all of the parties to the BDRP and the Resolution Advocate agree in writing, such communications may be disclosed. Notwithstanding the foregoing, this paragraph 11(A) does not require the exclusion of any evidence:

(i) otherwise discoverable, merely because it is presented in the course of a BDRP conference; or

(ii) offered for another purpose, such as providing bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or

prosecution.

(B) Nothing in this section (e) will be construed to prevent parties, counsel or Resolution Advocates from responding in absolute confidentiality, to inquiries or surveys by persons authorized by this court to evaluate the BDRP. Nor will anything in this section be construed to prohibit parties from entering into written agreements resolving some or all of the Matter or entering or filing procedural or factual stipulations based on suggestions or agreements made in connection with a BDRP conference.

(12) If the Resolution Advocate makes any oral or written suggestions as to the advisability of a change in any party's position with respect to settlement, the attorney for that party must promptly transmit that suggestion to the client.

(13) The Resolution Advocate has no obligation to make any written comments or recommendations, but may, as a matter of discretion, provide the attorneys for the parties with a written settlement recommendation memorandum. No copy of any such memorandum will be filed with the clerk or made available in whole or in part, directly or indirectly, to the court.

(14) The BDRP Conference will proceed informally. Rules of evidence do not apply. There will be no formal examination

or cross-examination of witnesses. Where necessary, the Resolution Advocate may conduct continued BDRP Conferences after the initial session. As appropriate, the Resolution Advocate may:

(A) permit each party (through counsel or otherwise) to make an oral presentation of its position;

(B) help the parties identify areas of agreement and, where feasible, enter stipulations;

(C) assess the relative strengths and weaknesses of the parties' contentions and evidence, and explain as carefully as possible the reasoning of the Resolution Advocate that supports these assessments;

(D) assist the parties, through separate consultation or otherwise, in settling the dispute;

(E) estimate, where feasible, the likelihood of liability and the dollar range of damages;

(F) help the parties devise a plan for sharing the important information and/or conducting the key discovery that will equip them as expeditiously as possible to participate in meaningful settlement discussions or to posture the cases for disposition by other means; and

(G) determine whether some form of follow-up to the conference would contribute to the case development

process or to settlement.

(f) Procedure Upon Completion of Dispute Resolution Session.

Upon the conclusion of the BDRP conference, the following procedure will be followed:

(1) If the parties have reached an agreement regarding the disposition of the Matter, the parties, with the advice of Resolution Advocate, will determine who will prepare the writing to dispose of the Matter, and they may continue the BDRP Conference to a date convenient to all parties and the Resolution Advocate as necessary. Where required by provisions of the Bankruptcy Code or other applicable law, they must promptly submit the fully executed stipulation to the court for approval. Where court approval is not required, the written agreement disposing of the matter will be enforceable pursuant to applicable law.

(2) The Resolution Advocate must file with the court and serve on the parties and the BDRP Administrator's staff assistant, within ten (10) calendar days, Local Bankruptcy Form J-4 showing whether there has been compliance with the BDRP Conference requirements of this Rule, and whether or not a settlement has been reached. Regardless of the outcome of the BDRP Conference, the Resolution Advocate will not provide the court with any details of the substance of the conference; and

(3) In order to assist the BDRP Administrator in compiling useful data to evaluate the BDRP, and to aid the court in assessing the efforts of the members of the Panel, the Resolution Advocate will provide the BDRP Administrator's staff assistant with an estimate of the number of hours spent in the BDRP Conference and otherwise on the matter, which report must be on Local Bankruptcy Form J-5.

(g) Compensated Resolution Advocacy. In addition to serving as a Resolution Advocate on a pro bono basis, a panel member may act as a Compensated Resolution Advocate ("CRA") in other matters.

(1) The CRA will be appointed as set forth above in this Rule, but the appointing Order will set forth the terms of the CRA's engagement.

(2) If the CRA is to receive compensation from the bankruptcy estate,

(A) a notice shall be filed setting forth the identity of the Resolution Advocate (whether or not on the panel) and the terms and conditions of compensation (including hourly rate) with a right to object/comment on such terms and conditions, subject to such time limitations as the Judge deems reasonable under the circumstances;

(B) if the proposed compensation to the Resolution Advocate is \$3,000.00 or less, there is no need for



further court order to authorize payment to the Resolution Advocate;

(C) if the proposed compensation to the Resolution Advocate is proposed to be more than \$3,000.00, a notice for an award of final compensation shall be filed by or on behalf of the Resolution Advocate and served as an application under Bankruptcy Rule 2002(a)(6) with an opportunity for parties to object/comment within twenty (20) days after the filing of the notice; however, the inability of the BDRP to result in a settlement/stipulation shall not be a factor to be used in awarding less compensation than would be allowed based on an application of the terms and conditions of compensation upon retention of the Resolution Advocate; and

(D) the estate's share of such compensation shall be an administrative claim against the estate.

(3) Unless the appointing order provides for compensation solely by the bankruptcy estate, no CRA will be appointed without the consent of all parties to the controversy submitted to the BDRP.

#### **RULE 9029-1      LOCAL BANKRUPTCY RULES - GENERAL**

Any judge of this court may suspend or modify a requirement or provision of any of these Rules in a particular case, adversary

proceeding or contested matter on the court's own motion or on motion of a party.

**RULE 9033-1      PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW  
IN NON-CORE PROCEEDING**

When a party has objected to proposed findings or conclusions pursuant to Federal Bankruptcy Rule 9033(b), for the purpose of preparing the record and identifying the issues for the District Court, the parties will follow the procedures set forth in Federal Bankruptcy Rule 8006 by treating the objection(s) as an appeal. The bankruptcy judge may order the designated extract supplemented.

**RULE 9036-1      NOTICE BY ELECTRONIC TRANSMISSION**

(a) Facsimile Notice. In addition to methods of notice available under the Federal Bankruptcy Rules, notice may be given by hand-delivery or facsimile transmission, except that the Clerk shall not accept for filing any facsimile transmission. All notices given by facsimile transmission shall be followed by hard copy notice with original signature mailed by the next business day.

(b) Electronically Filed Notice and Service. If an attorney has requested in a case notice and service by electronic transmission, notice or service is complete when the sender obtains electronic confirmation that the transmission of the Notice of service has been received.

**RULE 9070-1      EXHIBITS**

(a) Pending Appeal. From the conclusion of a hearing or trial to the expiration of the time within which to file a notice of appeal or, in the event that an appeal is taken, until the transmission of the record to the District Court, the Clerk will retain all documentary exhibits except ones of unusual bulk or weight. Documents of unusual bulk or weight and all non-documentary exhibits will remain in the custody of the attorney presenting them, who (1) will permit inspection of them by counsel for another party for the purpose of preparing the record on appeal, (2) will be responsible for their safekeeping, and (3) if requested, will send them to the appellate court.

(b) Upon Termination of Action. Upon the closing of a contested matter or adversary proceeding, the Clerk will send notice to all counsel advising counsel to remove, within thirty (30) days, all trial and hearing exhibits and all sealed materials that counsel presented at any time during the pendency of the contested matter or adversary proceeding. If a party fails to retrieve exhibits within thirty (30) days, the exhibits will be discarded by the Clerk.